

## REMARKS

The pending Office Action was reviewed carefully, before preparing this response. Reconsideration is respectfully requested. Nonetheless, in light of the positions presented below, this application is believed to be in condition for allowance.

Applicants appreciate the Examiner's consideration and withdrawal of the prior obviousness issues. In accordance therewith, while acknowledging the Examiner's concerns regarding Fridman, Applicants respectfully suggest that the corresponding rejection of independent claims 1 and 11 should also be withdrawn.

As acknowledged by the Examiner, Fridman teaches preparation of a high protein curd, by curdling soy milk. Coagulation of the curd (i.e., curdling) is described as an essential feature of the Fridman process. As further described therein, the solid curd is separated from the aqueous whey, and heating above the fermentation temperature improves separation. (See, Fridman at column 3, line 40 through column 4, line 2.)

To the contrary, Applicants' claimed process can be performed without curdling and curd separation. The fermented soy recited in claim 1 comprises a mixture of an aqueous soy composition and bacteria, for further use in the preparation of a soy sour cream. In this respect, the separation of Fridman teaches away from Applicants' mixture. Such teaching away shows a lack of motivation to do what Applicants have done. Without requisite motivation, there is no *prima facie* obviousness. As such, the rejection of independent claim 1 should be withdrawn, with the subject claims allowed to proceed toward issue.

Similarly, Fridman heating above fermentation temperatures (for separation) teaches away from an embodiment of Applicants' invention (e.g., cooling the mixture) recited in claim 11. Again, such teaching away denotes lack of motivation and shows there is no *prima facie* obviousness. Accordingly, the rejection of independent claim 11 should also be withdrawn, with the subject claims allowed to proceed toward issue.

Independent claim 1 is hereby amended solely for purpose of clarification, without further limitation or prior art concern. The fermented soy composition is merely recited as a corresponding mixture of bacteria and the starting aqueous soy material. Support for such an amendment is found throughout the specification, for instance, on pages 4-11 and 14-15 and in examples 1-4. Likewise, no new matter is introduced by the amendment to independent claim 11.

This application is believed to be in condition for allowance. Consistent therewith, favorable action is respectfully requested. The Examiner is invited to contact the undersigned by telephone should any issue remain. Thank you for your help and consideration.

Respectfully submitted:

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